

therefore, traversed.

2. Claims 1, 2, 4-11, 13-18 have been rejected as being anticipated by Vilolet et al. In particular, the Examiner asserts (page 5) that

"Vilolet et al. discloses a method of processing calls in an automatic call distributor (Fig. 1), such method comprising the steps of: learning a set of desired resource relationships for servicing a plurality of call processing load conditions in the automatic call distributor (column 4, lines 53-58); and distributing resources of the automatic call distributor based upon call processor loading and the learned set of resource relationships (column 4, lines 32-52)".

It is noted first, that the claims are directed to the method step of (and apparatus for) "learning a set of desired resource relationships for servicing a plurality of call processing load conditions in an automatic call distributor". As demonstrated in the Response filed January 19, 2001, Vilolet is not a neural network and is, therefore, not capable of learning.

It is noted next that claim 1 is drawn to method steps of (and claims 10 and 19 to apparatus for) "distributing resources of the automatic call distributor based upon call processor loading and the learned set of resource relationships". For example, "The determination of whether or not group resources are adequate may be determined by examination of a call queue for each group. Where calls remain in the call queue for an excessive period of time, the NN 32 may determine that the resources of the group are inadequate and that more resource should be allocated to the group" (Specification, page 10, lines 25-31). Further,

"the NN 32 may first identify the group with the longest and shortest delay of calls in its respective call queue . . . if the delay is larger (e.g., 10 seconds), the NN 32 may determine that the group with the longest delay has inadequate resources and may reassign 104 one or more agents of the group with the shortest delay to the group with the longest delay (specification, page 11, lines 1-10).

Further, claims 1, 10 and 19 are drawn to resources "of" the automatic call distributor. An agent of the automatic call distributor is clearly a resource of the automatic call distributor.

Further, there is no corresponding resource distributed by Vilolet. Vilolet is simply drawn to a method of determining a rate of predictive outdialing. For example, "The objective of the pacing algorithm at the tandem computer 34 is to initiate new outdialed calls at a rate which minimizes the average delay in queue" (Vilolet, col. 4, lines 57-61). As such, Vilolet contains no teaching about "distributing resources of the automatic call distributor based upon call processor loading and the learned set of resource relationships".

Since Vilolet does not do exactly the same thing in exactly the same way, the rejection is improper. Since the rejection is improper, it should be withdrawn.

In the Office Action of 3/27/01 (page 5), the Examiner asserts that

"Vilolet et al. teaches a predictive dialing system . . . information is gathered in real time and used by the system in determining pacing and predictive dialing. It is inherent that since this system and method can change and adapt its response or call processing activity according to that real time data, it can be considered to learn".

The flaw in the Examiner's logic, of course lies in consideration of the question of whether or not under Vilolet the same set of inputs always produces same set of outputs. If it does then it cannot be said that learning has occurred.

Under Vilolet, "The predictive outdial algorithm running at the tandem computer 34 determines the pacing of outdial calls based on call switching and connection statistical information transmitted from the ACD 12" (Vilolet, col. 6, lines 53-56). However, the use of statistics is a well known art. One of the important aspects of statistics is that they are predictable and verifiable (i.e., the same set of inputs produces the same set of outputs). Since statistics are predictable and verifiable, the pacing of calls based upon statistical information does not involve learning.

Further, since statistical programs always produce the same output for the same input, they are in fact static programming structures. As such, the use of a statistics program does not involve learning.

Further, variation in input data to a statistics package would be regarded as an external phenomenon. Variations in the pacing of outdialed calls due to external phenomenon can hardly be regarded as learning.

Since Vilolet relies upon statistical processes, rather than learning, Vilolet does not do exactly the same thing in exactly the same way. Since Vilolet does not do exactly the same thing in exactly the same way, the rejection is improper and should be withdrawn.

3. Claims 19, 20 and 22-24 have been rejected as being

obvious over Vilolet et al. However, as demonstrated above, Vilolet et al. fails to provide any teaching or suggestion of learning, neural networks, or of distributing resources of the automatic call distributor. As such, Vilolet fails to teach each and every element of the claimed invention. Since the combination fails to teach each and every element as required by MPEP §2143.03, the prima facie case of obviousness has not been made. Since the prima facie case has not been made, the rejection is improper and should be withdrawn.

4. Allowance of claims 1-24, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,  
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